

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 92-163-C - ORDER NO. 92-859 /c  
OCTOBER 5, 1992

IN RE: Application of Certain South	)	ORDER GRANTING IN
Carolina Local Exchange Companies	)	PART, AND DENYING
(LECs) for Approval of an Expanded	)	IN PART, MOTION TO
Area Calling Plan.	)	COMPEL AND DENYING
	)	MOTION TO HOLD IN
	)	CONTEMPT

This matter is before the Public Service Commission of South Carolina (the Commission) on Joey M. Davis' (Mr. Davis') Motion to Compel Certain South Carolina Local Exchange Companies (Participating LECs) to answer his interrogatories and to Hold Counsel for the Participating LECs' in Contempt. After review of Mr. Davis' Motion, the Participating LECs' response, and the relevant documents in this docket file, the Commission rules as follows:

Motion to Compel

Mr. Davis asserts the Participating LECs failed to respond to his interrogatories in a timely manner, failed to provide responsive answers and, consequently, should be ordered to respond to each of his interrogatories. The Participating LECs assert their counsel received Mr. Davis' interrogatories on July 8, 1992, and returned their responses by certified mail on July 21, 1992.

The Participating LECs assert their responses were returned "within the next 10 working days" after receipt as requested by Mr. Davis.

The Commission has reviewed the Participating LECs' responses to Mr. Davis' interrogatories. The Commission finds that the responses were returned to Mr. Davis in a manner which timely responded to his requests.

The Commission has also reviewed the Participating LECs' objections to several of Mr. Davis' interrogatories. The Commission notes that even though the Motion to Compel was filed after the hearing and the close of the record, the Commission is concerned that the Participating LECs should not avoid responding to relevant discovery requests.<sup>1</sup> The Commission concludes that the documents sought by Mr. Davis through Interrogatories No. 1 and No. 2 are relevant to the proceeding in this docket and, therefore, should be produced. However, the Commission finds that Interrogatories Nos. 3 through 12 are not "reasonably calculated to lead to the discovery of admissible evidence," Rule 26(b)(1), SCRCp, and, therefore, need not be produced.

Motion to Hold Counsel for Participating LECs in Contempt

Mr. Davis asserts the Commission should hold the attorney for the Participating LECs in contempt because he failed to timely respond to his interrogatories and failed to forward copies of the pleadings to citizens. The secretary to the counsel for the

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1. The Commission recognizes, however, that the final decision in this proceeding has already been issued and, consequently, the requested discovery ruling is rendered moot.

Participating LECs has filed an affidavit in which she asserts that six (6) people inquired about the Participating LECs Petition for Approval of the Extended Area Calling Plan. The secretary stated that none of these people stated they wished to intervene in the proceeding and that only one (1) requested a copy of the Petition, which she mailed.

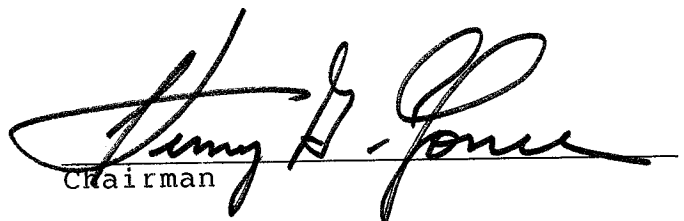
The Commission denies the Motion to Hold the Participating LECs' Counsel in Contempt. As stated above, the Commission concludes that the Participating LECs responded to the interrogatories in a timely manner. Further, the Commission finds that counsel for the Participating LECs properly responded to all requests for documentation.

IT IS THEREFORE ORDERED:

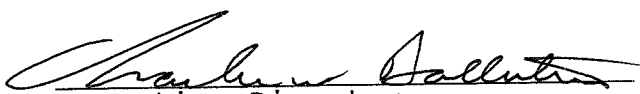
1. The Motion to Compel is granted with regard to Interrogatories 1 and 2 and denied as to the other interrogatories. The Participating LECs shall respond to Interrogatories 1 and 2 within ten (10) days after receipt of this Order.

2. The Motion to Hold Counsel for Participating LECs in Contempt is denied.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director  
(SEAL)